

27.01.2021

Vide Office Order No. 95/2077-197/DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2021 dated 15.01.2021, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Dilshad S/o Mr. Mohd. Hanif.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for State.
Mr. Naved Musarrat, Ld. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 12.01.2021 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant is the sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the applicant/accused was caught red handed at the spot alongwith the case property by the complainant himself.

Ld. Substitute APP for the State has opposed the bail application on the ground that the accused was caught red handed. He also submitted that the nature of the crime and the manner in which it was committed reflects the

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desperate nature of the accused and the accused is likely to commit similar offences.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Allegations against the applicant/accused are grave and serious in nature. Recovery of alleged case property has been made from the applicant/accused. The accused has been caught red handed by the complainant. Thus, prima facie there is material against the applicant/accused regarding his involvement in the present case. Considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed. However, it is made clear that any observation made herein shall not construed as bearing upon the merits of the case.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

(Visvesh)

Link MM(C)/THC/Delhi/27.01.2021